

STATE OF MICHIGAN
COURT OF APPEALS

JULIO G. GUTIERREZ, JR., and YOLANDA G.
GUTIERREZ,

UNPUBLISHED
April 6, 2006

Plaintiffs-Appellants,

v

DAVID W. HILL,

No. 259141
Montcalm Circuit Court
LC No. 03-002068-NI

Defendant-Appellee.

Before: Smolenski, P.J., and Owens and Donofrio, JJ.

PER CURIAM.

Plaintiffs appeal as of right from a circuit court order granting defendant's motion for summary disposition in this automobile negligence action. We reverse and remand. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant sought summary disposition under MCR 2.116(C)(10), asserting that plaintiffs' injuries did not meet the serious impairment threshold. MCL 500.3135(1). In particular, defendant asserted that plaintiffs' injuries did not affect their general ability to lead their normal lives. MCL 500.3135(7). The trial court agreed and granted defendant's motion.

When a motion is filed under MCR 2.116(C)(10), the moving party is required to submit affidavits, depositions, admissions, or other documentary evidence in support of the grounds asserted in the motion. See MCR 2.116(G)(3)(b); *Quinto v Cross & Peters Co*, 451 Mich 358, 362; 547 NW2d 314 (1996). In the present case, although it appears that defendant relied on various medical records and plaintiffs' depositions, defendant failed to attach the documentary evidence to his brief in support of his motion for summary disposition or even identify by citation the documents relied on. Because defendant failed to support his motion for summary disposition with documentary evidence as required by MCR 2.116(G)(3)(b), defendant was not entitled to summary disposition under MCR 2.116(C)(10).

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Michael R. Smolenski
/s/ Donald S. Owens
/s/ Pat M. Donofrio